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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Larry W. Oberley et al.

Title: REDUCTION OF ANTIOXIDANT ENZYME LEVELS IN TUMOR CELLS USING
ANTISENSE OLIGONUCLEOTIDES

Docket No.: 875.042US1

Filed: November 14, 2001

Examiner: James D Schultz



Serial No.: 09/993,333

Due Date: July 2, 2004

Group Art Unit: 1635

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

☒ A return postcard.

☒ Response to Restriction Requirement (2 Pages).

If not provided for in a separate paper filed herewith, Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

Customer Number 21186

By: Katharine A. Jackson Huebsch

Atty: Katharine A Jackson Huebsch

Reg. No. 47,670

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 30 day of June, 2004.

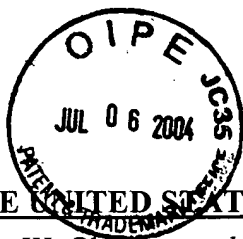
CANDIS BUENDING

Name

Candis Buending
Signature

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
(GENERAL)

S/N 09/993,333



PATENT

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicants have reviewed the Restriction Requirement mailed June 2, 2004, wherein the Examiner has requested election of one of the following groups:

- I. Claims 2, 3, 5, 8, 11-15 and 17-26, drawn to antisense compounds and methods of targeting manganese superoxide dismutase, classified in class 514, subclass 44.
- II. Claims 2, 3, 5, 8, 11-15 and 17-26, drawn to antisense compounds and methods of targeting copper and zinc superoxide dismutase, classified in class 514, subclass 44.
- III. Claims 2, 3, 5, 8, 11-15 and 17-26, drawn to antisense compounds and methods of targeting catalase, classified in class 514, subclass 44.
- IV. Claims 2, 3, 5, 8, 11-15 and 17-26, drawn to antisense compounds and methods of targeting phospholipid glutathione peroxidase, classified in class 514, subclass 44.
- V. Claims 2, 3, 5, 8, 11-15 and 17-26, drawn to antisense compounds and methods of targeting cytosolic glutathione peroxidase, classified in class 514, subclass 44.

Applicants provisionally elect, with traverse, the claims of Group IV. Applicants reserve the right to file divisional application(s) on the non-elected inventions.

The Restriction Requirement is traversed on the basis that Restriction Requirements are optional in all cases. M.P.E.P. § 803. If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it arguably may include claims to distinct or independent inventions. M.P.E.P. § 803. As evidence that the search and

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examination of the entire application does not constitute an undue burden, Applicants respectfully note that the entire application was in fact searched and examined during previous prosecution (a Request for Continued Examination of the present application was filed January 19, 2004). In light of this, it is submitted that Applicants should not be required to incur additional costs associated with the filing of multiple divisional applications in order to obtain protection for the claimed subject matter.

Thus, reconsideration and withdrawal of the Restriction Requirement is respectfully requested.

Conclusion

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at (612) 371-2106 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

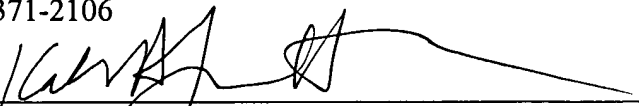
LARRY W. OBERLEY *ET AL.*

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
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Date 30 June 2004

By


Katharine A. Jackson Huebsch
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CANDIS BUENDING
Name


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